

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No comments were made.

GENERAL ADMINISTRATION

Notice was duly published May 1, 2007 on Page 12 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 8, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, May 9, 2007:

NG-0044 Commission Library, Lincoln.
1:30 In the Matter of Aquila Inc., d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a Change of Control of Aquila's Nebraska jurisdictional assets. Commissioner Landis presiding as Hearing Officer.

Monday, May 14, 2007:

10:00 Atrium Conference Center, 2nd Floor, Lincoln.
Wireless E-911 Advisory Board meeting.

COMMUNICATIONS DEPARTMENT

C-3796 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking arbitration and approval of an interconnection agreement pursuant to Section 252 of the Telecommunications Act of 1996, with Qwest Corporation, Denver, Colorado: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the motion for extension of time to select an arbitrator and select an arbitrator not on the Commission's list. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Anne Boyle was appointed Hearing Officer.

John Burvainis informed the Commission that a transfer of \$19,354.46 was made on May 3, 2007, from the Competitive Market Place Fund to the Internet Enhancement Fund.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving funding requests for Phase II LEC costs in Dockets 911-023.07, 911-023.13 and 911-023.36. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.07 In the Matter of Cedar County, Public Safety Answering Point, Hartington, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.13 In the Matter of Keith County, Public Safety Answering Point, Ogallala, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders amending previous orders in Dockets 911-023.29 and 911-023.47. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.29 In the Matter of Saline County, Public Safety Answering Point, Wilber, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.

911-023.47 In the Matter of Knox County, Center, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving funding requests in part in Dockets 911-023.35, 911-023.52, 911-023.53 and 911-023.58. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.35 In the Matter of Fillmore County, Geneva, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.52 In the Matter of Nuckolls County, Public Safety Answering Point, Nelson, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.53 In the Matter of Saunders County, Wahoo, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.58 In the Matter of Thayer County, Hebron, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.50 In the Matter of Harlan/Phelps Counties, Public Safety Answering Point, Holdrege, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order continuing the hearing previously scheduled for May 8, 2007 to May 21, 2007 at 10:30 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-25/ PO #18 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Jeff Pursley discussed the requirement of annual certification filings for both state and federal universal service support in conjunction with NUSF-66.

NUSF-66 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Jeff Pursley discussed the requirement of annual certification filings for both state and federal universal service support, in conjunction with NUSF-25, PO #18.

Jeff Pursley informed the Commission that a meeting of the NUSF Advisory Board has been scheduled for May 24, 2007 at 1:30 p.m. in the Commission Library, Lincoln.

In the Matter of New Cingular, seeking a surcharge credit as a result of the 2005 Remittance Worksheet audit findings: Jeff Pursley discussed New Cingular's 2005 third-party audit findings. Per NUSF Rule and Regulation Section 003, Subsection 003.04B, "if a telecommunications company's remittance information varies from actual results by more than ten percent (10%) or one hundred thousand dollars (\$100,000), said company shall obtain the written approval of the Director before making a net adjustment to the next remittance worksheet filed with the Department": Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve a revenue adjustment for a surcharge credit of \$51,521.74. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Frank Landis presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's order entered May 3, 2007, correcting the town meeting location on May 16, 2007, from Norfolk to the Madison County Courthouse, Courtroom No. 3, 1313 North Main Street, Madison.

NG-0043 In the Matter of Constellation NewEnergy-Gas Division, LLC, Louisville, Kentucky, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

P-0012.1 In the Matter of Aquila, Inc., d/b/a Aquila Networks, Omaha
P-0012.2 providing notice required by Neb. Rev. Stat. Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's order entered May 3, 2007, granting an extension until May 11, 2007, to file required documentation.

Laura Demman informed the Commission of the complaints received in April 2007. She reported that there were a total of 40 complaints. The complaints were categorized as follows: Aquila - 29; SourceGas (Kinder Morgan) - 6; and NorthWestern Energy - 5.

TRANSPORTATION DEPARTMENT

B-1680 In the Matter of the Sudanese National Community of Nebraska, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage between points in Douglas and Sarpy counties in open class service over irregular routes in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A video hearing was scheduled for May 22, 2007, at 9:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam Street, Omaha. Commissioner Boyle was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1689 In the Matter of Karl Riggs, d/b/a Kountry Limousine Company, Bennington, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points in Douglas, Washington and Dodge counties and between points in said counties by luxury or stretch limousines. RESTRICTION: The transportation of railroad train crews and their baggage are not authorized. Commissioner Johnson presiding as Hearing Officer: Upon agreement of all Commissioners, an oral argument on the motion for rehearing was scheduled for May 15, 2007, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

B-1696 In the Matter of Todd Friesen, d/b/a Your Limo Service, Grand Island, seeking to acquire, through transfer, the certificate held by Central Limousine, Grand Island, in Certificate B-1659. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14191 In the Matter of 911 Moving, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods over irregular routes between points in Douglas County and Sarpy County and between points in said counties. Commissioner Boyle presiding as Hearing Officer: Upon agreement of all Commissioners, an oral argument on the Motion for Rehearing was scheduled for May 15, 2007, at 11:30 a.m. in the Commission Hearing Room, Lincoln.

M-14196 In the Matter of Smoldt Moving & Storage, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Nebraska over irregular routes: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

MR-1009/ In the Matter of the Commission, on its own motion, seeking
PI-70 to initiate an investigation on range uniformity in the
Official Intracity Household Goods Tariff 22 and to develop
procedures for efficiently processing household goods mover tariff
amendments: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting an increase in tariff rates. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle present not voting.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was reduced to 68 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1871 In the Matter of Hergert Grain, Inc., Scottsbluff: John Fecht reported that the insurance matter has been resolved and the policy and coverage are intact. He further reported on the possible net worth of the company and addressed questions from Commissioner Boyle regarding follow-up examinations after instances like what had occurred in this matter.

GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, Elgin, seeking to buy the grain represented on lost receipt B685879, issued to Shawn Gasper, St. Edward: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to grant the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Voyager	\$1,749.02
Fred Massing	1,258.30
Kent Pribyl	584.97
Tim Schram	362.78

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Fred Massing to travel to Clay Center, Kansas to conduct a modular housing unit factory inspection at Wardcraft Homes on May 8, 2007, with all expenses, including time, to be reimbursed by Wardcraft Homes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Andy Pollock reported that there were no new developments to report on the office renovation.

The meeting adjourned at 10:35 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on May 15, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 14, 2007.

Chairman

Executive Director